IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND SIX
: PRESENT:
THE HON'BLE SRI JUSTICE **C.V.RAMULU**

WRIT PETITION NO: 20344 of 2006

Between:

1. P.R.K.Prasad S/o. Sri Peda Veerabhadraiah
2. B.H.S.N.Raju S/o.Sri B.H.V.Subba Raju
3. K.Narasinga Rao S/o.Sri Nagaiah
4. L.Kishore Babu S/o.Sri Gopala Krishnaiah
5. K.Venkateswara Rao S/o.Sri Bapaiah
6. P.Subba Rao S/o.Sri P.Venkaiah,

.....

Petitioners

AND

1. The Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad.
2. The Government of Andhra Pradesh, rep. by its Secretary, Housing (CH) Department, Secretariat, Hyderabad.
3. The Deputy Registrar / Divisional Cooperative Officer, Hyderabad (West) Division, Ranga Reddy District at Abids, Hyderabad.
4. Sri Devi Prasad, Sri Swamy Ayyappa Cooperative Housing Society Ltd., Block No.28, Flat No.1, Vijayanagar Colony, Hyderabad-57.
5. Sri.P.Nageswara Rao, PIC Chairman,C/o. Plot No.192, Sri Swamy Ayyappa Cooperative Housing Society Ltd., Madhapur, Hyderabad.
6. Sri.K.Madhusudhan Reddy, C/o. Plot No.1049, Sri Swamy Ayyappa Cooperative Housing Society Ltd., Madhapur, Hyderabad.
7. Sri Vamsi Vasi Reddy, C/o. Plot No.to be allotted, Sri Swamy Ayyappa Cooperative Housing Society Ltd., Madhapur, Hyderabad.
8. G.Srinivas Reddy, Member PIC of Sri Swamy Ayyappa Cooperative Housing Society Ltd., R/o.55/A, Journalist Colony, near Jubilee Hills, Hyderabad.
9. Smt.Janaki, Member PIC of Sri Swamy Ayyappa Cooperative Housing Society Ltd., Police Quarters, I.P.No.9, Yousufguda, Hyderabad.
10. Asst. Registrar, O/o. Deputy Registrar, Divisional Cooperative Officer, Hyderabad (West) Division, Ranga Reddy District at Abids, Hyderabad.
11. Sri Swamy Ayyappa Cooperative Housing Society, rep. by its PIC Chairman, Sri P.Nageswara Rao, C/o.Plot No.192, Sri swamy Ayyappa Cooperative Housing Society Ltd., Madhapur, Hyderabad.

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly a writ of mandamus declaring G.O.Rt.No.894, Agl. & Cooperative (Coop.III) Department dated 2.9.2006 as modified by G.O.Rt.No.916, Agl. & cooperative

(Coop.III) Department dated 11.9.2006 issued by the Second Respondent as illegal, arbitrary, malafide and violative of Article 14 and 19 of the Constitution of India and also the principles of natural justice and further direct the respondents 1 and 2 to appoint the petitioners as Persons-in-charge and allow the elections to be conducted by the Respondent No.11 appointed as election officer by the then managing committee and affirmed by the general body in their meetings dated 9.7.2004 and 8.8.2004 as per the bye-laws of the Sri Swami Ayyappa Cooperative Housing Society Limited, Madhapur and Section 31 (2) (c) of the A.P.C.S. Act, 1964.

Contd..P.2

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and the High Court orders dated 28-9-2006, 02-11-2006 made in WPMP.No. 25742 of 2006 and dated: 06-11-2006 made herein and upon hearing the arguments of Sri.DURGA PRASAD, Advocate for the Petitioners and of G.P for Cooperative Societies for R1 and R3 and of G.P for Housing Societies for R2 and of Sri D.V. Bhadram Advocate for R5, the Court made the following

ORDER

"The Registry is directed to furnish a copy of extension order of appointment of Commissioner passed in W.P. No. 19188 of 2005 dated: 22-09-2006 to the Commissioner, Sri N.Subba Rao, Advocate within two days.

Post on 27-11-2006."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. T h e Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad.
2. The Secretary, Housing (CH) Department, Govt of A.P., Secretariat, Hyderabad.
3. The Deputy Registrar / Divisional Cooperative Officer, Hyderabad (West) Division, Ranga Reddy District at Abids, Hyderabad.
4. Sri Devi Prasad, Sri Swamy Ayyappa Cooperative Housing Society

Ltd., Block No.28, Flat No.1, Vijayanagar Colony, Hyderabad-57.

5. Sri.P.Nageswara Rao, PIC Chairman, C/o. Plot No.192, Sri Swamy Ayyappa Cooperative Housing Society Ltd., Madhapur, Hyderabad.
6. Sri.K.Madhusudhan Reddy, C/o. Plot No.1049, Sri Swamy Ayyappa Cooperative Housing Society Ltd., Madhapur, Hyderabad.
7. Sri Vamsi Vasi Reddy, C/o. Plot No.to be allotted, Sri Swamy Ayyappa Cooperative Housing Society Ltd., Madhapur, Hyderabad.
8. G.Srinivas Reddy, Member PIC of Sri Swamy Ayyappa Cooperative Housing Society Ltd., R/o.55/A, Journalist Colony, near Jubilee Hills, Hyderabad.
9. Smt.Janaki, Member PIC of Sri Swamy Ayyappa Cooperative Housing Society Ltd., Police Quarters, I.P.No.9, Yousufguda, Hyderabad.
10. Asst. Registrar, O/o. Deputy Registrar, Divisional Cooperative Officer, Hyderabad (West) Division, Ranga Reddy District at Abids, Hyderabad.
11. Sri Swamy Ayyappa Cooperative Housing Society, rep. by its PIC Chairman, Sri P.Nageswara Rao, C/o.Plot No.192, Sri swamy Ayyappa Cooperative Housing Society Ltd., Madhapur, Hyderabad.
12. One CC to Sri N.Subba Rao, Advocate **(BY SPECIAL MESSENGER) (along with a copy of order in WPMP. No. 22120 of 2006)**
13. Two CC's to G.P for Cooperative Societies, High Court of A.P., Hyderabad (OUT)
14. Two CC's to G.P for Housing Societies, High Court of A.P., Hyderabad (OUT)
15. One CC to Sri M.V. Durga Prasdad, Advocate (OPUC)
16. One Spare Copy

AB

HIGH COURT

AB
DRAFTED ON 22-11-2006

CVR,J

DATE: 20-11-2006

NOTE: POST ON 27-11-2006

ORDER

WP.NO. 20344 OF 2006

DIRECTION